

# House File 2409 - Introduced

HOUSE FILE 2409  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 611)

(COMPANION TO SF 2128 BY  
COMMITTEE ON EDUCATION)

## A BILL FOR

1 An Act relating to education, including the education of  
2 students who are not fully English proficient and the  
3 standards applicable to the hiring, developing, and  
4 evaluation of community college faculty.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.7, subsection 3l, paragraph c, Code  
2 2022, is amended to read as follows:

3 c. Adopt rules to establish standards for the  
4 identification, selection, and use of research-based  
5 educational and instructional models for students identified  
6 as ~~limited English proficient~~ English learners, and standards  
7 for the professional development of the instructional staff  
8 responsible for implementation of those models.

9 Sec. 2. Section 256.16, subsection 1, paragraph b, Code  
10 2022, is amended to read as follows:

11 b. Include preparation in reading theory, knowledge,  
12 strategies, and approaches; and for integrating literacy  
13 instruction into content areas. Such preparation shall address  
14 all students, including but not limited to students with  
15 disabilities; students who are at risk of academic failure;  
16 students who have been identified as gifted and talented or  
17 ~~limited English proficient~~ English learners; and students with  
18 dyslexia, whether or not such students have been identified as  
19 children requiring special education under [chapter 256B](#).

20 Sec. 3. Section 256E.4, subsection 4, paragraph 1, Code  
21 2022, is amended to read as follows:

22 1. Plans for identifying and serving students with  
23 disabilities, students who are ~~limited English proficient~~  
24 English learners, students who are academically failing or  
25 below grade level, and gifted students, including but not  
26 limited to compliance with applicable laws and regulations.

27 Sec. 4. Section 256E.5, subsection 4, paragraph 1, Code  
28 2022, is amended to read as follows:

29 1. Plans for identifying and serving students with  
30 disabilities, students who are ~~limited English proficient~~  
31 English learners, students who are academically failing or  
32 below grade level, and gifted students, including but not  
33 limited to compliance with applicable laws and regulations.

34 Sec. 5. Section 256E.9, subsection 1, paragraph c, Code  
35 2022, is amended to read as follows:

1     *c.* Achievement gaps in both proficiency and growth between  
2 specified populations or groups of students, including groups  
3 based on gender, race, poverty, special education status,  
4 ~~limited English proficiency~~ English learner status, and gifted  
5 status.

6     Sec. 6. Section 256F.3, subsection 7, Code 2022, is amended  
7 to read as follows:

8     7. An application submitted to the state board pursuant to  
9 subsection 2, paragraph "b", or [subsection 6](#) shall set forth  
10 the manner in which the charter school or innovation zone  
11 school will provide special instruction, in accordance with  
12 section 280.4, to students who are ~~limited English proficient~~  
13 English learners. The application shall set forth the manner  
14 in which the charter school or innovation zone school will  
15 comply with federal and state laws and regulations relating to  
16 the federal National School Lunch Act and the federal Child  
17 Nutrition Act of 1966, 42 U.S.C. §1751–1785, and [chapter 283A](#).  
18 The state board shall approve only those applications that  
19 meet the requirements specified in section 256F.1, subsection  
20 3, and [sections 256F.4](#) and [256F.5](#). The state board may deny  
21 an application if the state board deems that approval of  
22 the application is not in the best interest of the affected  
23 students.

24     Sec. 7. Section 260C.36, subsection 1, paragraph h, Code  
25 2022, is amended to read as follows:

26     *h.* Compliance with the faculty accreditation standards of  
27 ~~the higher learning commission~~ similar accredited institutions  
28 of higher education that are consistent with the standards  
29 established pursuant to section 260C.48, and compliance with  
30 faculty standards required under specific programs offered by  
31 the community college that are accredited by other accrediting  
32 agencies. For purposes of this paragraph, "accredited" means  
33 that an institution of higher education meets the standards  
34 established by an accrediting agency recognized under 34  
35 C.F.R. pt. 602 and by Tit. IV of the federal Higher Education

1 Opportunity Act, Pub. L. No. 110-315.

2     Sec. 8. Section 260C.48, subsection 1, paragraph b,  
3 subparagraph (1), Code 2022, is amended to read as follows:

4     (1) Possess a master's degree from ~~a regionally~~ an  
5 accredited graduate school, and has successfully completed a  
6 minimum of twelve credit hours of graduate level courses in  
7 each field of instruction in which the instructor is teaching  
8 classes. For purposes of this subparagraph, "accredited" means  
9 that a graduate school meets the standards established by an  
10 accrediting agency recognized under 34 C.F.R. pt. 602 and by  
11 Tit. IV of the federal Higher Education Opportunity Act, Pub.  
12 L. No. 110-315.

13     Sec. 9. Section 260C.48, subsection 4, Code 2022, is amended  
14 to read as follows:

15     4. Standards relating to quality assurance of faculty  
16 and ongoing quality professional development shall be the  
17 accreditation standards of ~~the higher learning commission~~  
18 similar accredited institutions of higher education that  
19 are consistent with the standards established pursuant  
20 to this section and the faculty standards required under  
21 specific programs offered by the community college that are  
22 accredited by other accrediting agencies. For purposes of this  
23 subsection, "accredited" means that an institution of higher  
24 education meets the standards established by an accrediting  
25 agency recognized under 34 C.F.R. pt. 602 and by Tit. IV of the  
26 federal Higher Education Opportunity Act, Pub. L. No. 110-315.

27     Sec. 10. Section 280.4, Code 2022, is amended to read as  
28 follows:

29     **280.4 Limited English proficiency English learners —**  
30 **weighting.**

31     1. a. The medium of instruction in all secular subjects  
32 taught in both public and nonpublic schools shall be the  
33 English language, except when the use of a world language is  
34 deemed appropriate in the teaching of any subject or when the  
35 student is ~~limited English proficient~~ an English learner.

1 When the student is ~~limited-English-proficient~~ an English  
 2 learner, both public and nonpublic schools shall provide  
 3 special instruction, which shall include but need not be  
 4 limited to either instruction in English as a second language  
 5 or transitional bilingual instruction until the student is  
 6 fully English proficient or demonstrates a functional ability  
 7 to speak, read, write, and understand the English language.

8     *b.* As used in this section:

9       (1) "English learner" means a student whose language  
 10 background is in a language other than English, and the  
 11 student's proficiency in English is such that the probability  
 12 of the student's academic success in an English-only classroom  
 13 is below that of an academically successful peer with an  
 14 English language background. Each English learner shall be  
 15 identified as either an intensive student or an intermediate  
 16 student.

17     ~~{1}~~ (2) "Fully English proficient" means a student who  
 18 has attained a level of English-language skill in reading,  
 19 writing, listening, and speaking to be proficient under the  
 20 state's English language proficiency standards, as measured by  
 21 the state-adopted assessment of English language proficiency  
 22 as required by section 1111 of the federal Elementary and  
 23 Secondary Education Act of 1965, as amended by the federal  
 24 Every Student Succeeds Act, Pub. L. No. 114-95.

25     ~~{2}~~ (3) "Intensive student" means a  
 26 ~~limited-English-proficient student~~ an English learner who,  
 27 even with support, is not proficient under the state's  
 28 English language proficiency standards, as measured by the  
 29 state-adopted assessment of English language proficiency.

30     ~~{3}~~ (4) "Intermediate student" means a  
 31 ~~limited-English-proficient student~~ an English learner who,  
 32 either with or without support, approaches being proficient  
 33 under the state's English language proficiency standards, as  
 34 measured by the state-adopted assessment of English language  
 35 proficiency.

1     ~~(4) "Limited English proficient" means a student's language~~  
 2 ~~background is in a language other than English, and the~~  
 3 ~~student's proficiency in English is such that the probability~~  
 4 ~~of the student's academic success in an English-only classroom~~  
 5 ~~is below that of an academically successful peer with an~~  
 6 ~~English language background. Each limited-English-proficient~~  
 7 ~~student shall be identified as either an intensive student or~~  
 8 ~~an intermediate student.~~

9     2. The department of education shall adopt rules relating  
 10 to the identification of ~~limited-English-proficient students~~  
 11 English learners who require special instruction under this  
 12 section and to application procedures for funds available under  
 13 this section.

14     3. a. In order to provide funds for the excess costs  
 15 of instruction of ~~limited-English-proficient students~~  
 16 English learners specified in paragraph "b" above the  
 17 costs of instruction of pupils in a regular curriculum,  
 18 each ~~limited-English-proficient student~~ English learner  
 19 identified as an intensive student shall be assigned  
 20 an additional weighting of twenty-six hundredths, each  
 21 ~~limited-English-proficient student~~ English learner identified  
 22 as an intermediate student shall be assigned an additional  
 23 weighting of twenty-one hundredths, and the applicable  
 24 weighting shall be included in the weighted enrollment of the  
 25 school district of residence for a period not exceeding five  
 26 years as provided in paragraph "b". However, the school budget  
 27 review committee may grant supplemental aid or a modified  
 28 supplemental amount to a school district to continue funding  
 29 a program for students after the expiration of the five-year  
 30 period.

31     b. For students first determined to be ~~limited-English~~  
 32 ~~proficient~~ English learners for a budget year beginning on or  
 33 after July 1, 2010, the additional weighting provided under  
 34 paragraph "a" shall be included in the weighted enrollment  
 35 of the school district of residence for a cumulative period

1 of time not exceeding five years beginning with the budget  
2 year for which the student was first determined to be ~~limited~~  
3 ~~English proficient~~ an English learner. The five years  
4 of eligibility for the additional weighting need not be  
5 consecutive and a student's eligibility for the additional  
6 weighting is transferable to another district of residence.

7 Sec. 11. Section 284.11, subsection 2, paragraph a, Code  
8 2022, is amended to read as follows:

9 a. Collect relevant data and establish a list of high-need  
10 schools eligible for state supplemental assistance. The  
11 department shall establish a process and criteria to determine  
12 which schools are placed on the list and the department shall  
13 revise the list annually. Criteria for the determination of  
14 which high-need schools shall be placed on the list shall be  
15 based upon factors that include but are not limited to the  
16 socioeconomic status of the students enrolled in the school,  
17 the percentage of the school's student body who are ~~limited~~  
18 ~~English proficient students~~ English learners, student academic  
19 growth, certified instructional staff attrition, and geographic  
20 balance. The department may approve or disapprove requests for  
21 revision of the list, which a school district submits pursuant  
22 to [subsection 3](#).

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill relates to education, including the education  
27 of students who are not fully English proficient and the  
28 standards applicable to the hiring, developing, and evaluation  
29 of community college faculty.

30 The bill modifies the Code to replace references to a student  
31 who is "limited English proficient" with "English learner".

32 Current law requires a community-college administration  
33 to establish a committee consisting of instructors and  
34 administrators to develop a plan for hiring and developing  
35 quality faculty that includes several provisions. Current law

1 also requires that one of those provisions include compliance  
2 with the faculty accreditation standards of the higher  
3 learning commission. The bill modifies this provision to  
4 require compliance with the faculty accreditation standards  
5 of specified accredited institutions of higher education that  
6 are consistent with the standards established pursuant to Code  
7 section 260C.48 (standards for accrediting community college  
8 programs).

9 Current law requires that community-college-employed  
10 instructors in the subject area of arts and sciences shall  
11 either possess a master's degree from a regionally accredited  
12 graduate school or have two or more years of successful  
13 experience in a professional field in which the instructor is  
14 teaching classes and in which postbaccalaureate recognition or  
15 professional licensure is necessary. The bill modifies the  
16 provision related to an instructor's possession of a master's  
17 degree to require that the instructor possess a master's degree  
18 from a graduate school that meets the standards established by  
19 an accrediting agency recognized under 34 C.F.R. pt. 602 and by  
20 the federal Higher Education Opportunity Act.

21 Current law provides that the standards relating to quality  
22 assurance of community college faculty and ongoing quality  
23 professional development shall include the accreditation  
24 standards of the higher learning commission. The bill modifies  
25 this provision to require that the standards shall be the  
26 accreditation standards of similar accredited institutions  
27 of higher education that are consistent with the standards  
28 established pursuant to Code section 260C.48. For purposes of  
29 this provision, the bill defines "accredited" as an institution  
30 of higher education that meets the standards established by an  
31 accrediting agency recognized under 34 C.F.R. pt. 602 and by  
32 the federal Higher Education Opportunity Act.